

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

WHITNEY BILYEU, individually and as Chair §  
of the LIBERTARIAN PARTY OF TEXAS; §  
MARK ASH; STEPHANIE BERLIN; JOE §  
BURNES; ARTHUR DIBIANCA; KEVIN §  
HALE; DESARAE LINDSEY; ARTHUR §  
THOMAS IV; MARK TIPPETTS; and §  
LIBERTARIAN PARTY OF TEXAS, §

*Plaintiffs,*

1:21-CV-01089-RP

v.

JANE NELSON, in her official capacity as the §  
Secretary of State of the State of Texas, and §  
DAVE NELSON, in his official capacity as the §  
Deputy Secretary of State of the State of Texas, §

*Defendants.*

**Unopposed Motion to Extend Time to  
Respond to Defendants' Motion for Summary Judgment**

Plaintiffs WHITNEY BILYEU, individually and as Chair of the LIBERTARIAN PARTY OF TEXAS; MARK ASH; STEPHANIE BERLIN; JOE BURNES; ARTHUR DIBIANCA; KEVIN HALE; DESARAE LINDSEY; ARTHUR THOMAS, IV; MARK TIPPETTS; and LIBERTARIAN PARTY OF TEXAS file their *Unopposed Motion to Extend Time to Respond to Defendants' Motion for Summary Judgment*.

**Statement & Relief Requested**

1. This is a ballot access case. Plaintiffs ask for more time to respond to *Defendants' Motion for Summary Judgment*. (See Dkt. # 87.) Defendants filed their motion on April 18, 2025.

Under Local Rule CV-7(D), Plaintiffs' response is due May 8, 2024.

2. Plaintiffs ask for a 22-day extension of the deadline for them to respond to *Defendants' Motion for Summary Judgment*, making the new response date Friday, May 30, 2025.

3. Defendants' motion raises significant issues of constitutional law in this as-applied challenge. As a result, additional time is necessary to ensure a complete and proper response to the Motion for Summary Judgment. Plaintiffs' counsel asks for an extension of time through Friday, May 30 to finalize and file the response to *Defendants' Motion for Summary Judgment*.

4. This case is currently set for bench trial beginning September 8, 2025.

5. Plaintiffs' counsel sent an email to Defendants' counsel on April 30, 2025, and Defendants are unopposed.

#### **Argument & Authority**

6. Plaintiffs ask to extend the Local Rules CV-7(D) & CV-15 deadlines for them to respond to *Defendants' Motion for Summary Judgment* to May 30, 2025. A court may grant a request to extend time for good cause when a party asks for more time before the deadline passes. *See* Fed. R. Civ. P. 6(b)(1)(A). The standard is broadly construed in favor of the moving party, particularly when there is no prejudice to the opposing party. *See, e.g., L.A. Pub. Ins. Adjusters, Inc. v. Nelson*, 17 F.4th 521, 524 (5th Cir. 2021) ("If done prior to the expiration of the time limit at issue, a court may extend the period for any reason . . .").

7. Good cause exists here for two reasons. First, Plaintiffs' counsel needs the additional time to adequately brief the important constitutional questions in this case. Second, this extension is unopposed by Defendants.

8. Plaintiffs' request to extend time is for good cause and is not intended solely to delay these proceedings.

9. Defendants will not be prejudiced by this delay.

**Prayer**

FOR THESE REASONS, Plaintiffs respectfully request that the Court GRANT them additional time through and including May 30, 2025, to respond to *Defendants' Motion for Summary Judgment*, enter the attached order, and grant them all relief, in law or in equity, to which they are justly entitled.

Dated: May 5, 2025

Respectfully submitted,

By: /s/ Jared G. LeBlanc

Jared G. LeBlanc  
Texas Bar No. 24046279  
jleblanc@leblancflanery.com

**Attorney-In-Charge**

OF COUNSEL:

LEBLANC FLANERY PLLC

2929 Allen Parkway, Suite 200  
Houston, Texas 77019  
(346) 315-1150

**Attorneys for Plaintiffs**

**Certificate of Conference**

I certify that I emailed Defendants' counsel on April 30, 2025 about this motion, and he confirmed that Defendants are not opposed.

/s/ Jared G. LeBlanc

Jared G. LeBlanc

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon Defendants, by and through their counsel of record, electronically through the Clerk's ECF system on May 5, 2025.

/s/ Jared G. LeBlanc

Jared G. LeBlanc